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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,926	12/18/2001	Gregory Anderson	5-13-9-12	2573
7590 06/03/2005				
Ryan, Mason & Lewis, LLP		EXAMINER		
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Locust Valley, NY 11560				
		ART UNIT	PAPER NUMBER	
		2642		

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,926

Applicant(s)

ANDERSON ET AL.

Examiner

Marie C. Ubiles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 12-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 1-9, 12-18 and 20-23 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on April 4, 2005 has been entered. Claims 1, 9, 16 and 23 have been amended. Claims 10, 11 and 19 have been cancelled. No claims have been added. Claims 1-9,12-18 and 20-23 are still pending in this application, with claims 1, 9, 16 and 23 being independent.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 9, 16 and 23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The aforementioned claims were amended to recite the following limitation "an individual monitoring one or more computed decision values, and the individual adjusting the decision policy, when necessary or desired, so as to improve business-related performance, wherein the individual is able to adjust the decision policy without a need for programming expertise." Examiner did not find any support in the specification for the newly introduced limitation.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claim 1-2, 4-6, 9, 12-13, 16-18 and 20-23 rejected under 35 U.S.C. 103(a) as being unpatentable over Jahawar et al. (US 6256620), in view of Ventura et al. (US 6,604,141), in view of Horowitz et al. (US 6,349,290) and further in view of Servi et al. (US 6,115,462).

As for claim 1, Jahawar discloses a system that monitors the access of information by an individual or system (i.e. an automated for use in accordance with a user-interactive processing system)(See *Field of the Invention, Col. 1, lines 6-8*); a process for monitoring the total time the user spent viewing a particular web page, web pages on the web server, web pages of the current type or related to the current product or service, and identify patterns of repeated switching between two or more web pages (i.e. the automated step of monitoring one or more interactions a user has with one or more applications associated with the processing system)(See *Fig. 8, steps 250-258 and Detailed Description, Col. 15, lines 52-55*); the total time spent viewing a particular web page, web pages on the web server, web pages of the current type or related to the current product or service is determined and compared against a threshold in order to determine if help is needed (i.e. the automated step of processing data obtained in association with the monitoring operation to compute a decision value representative of whether or not the user may need intervention with respect to one or more of the applications)(See *Fig. 8, steps 260-266 and Detailed Description, Col. 15, lines 50-67*

and Col. 16, lines 1-35); and if the threshold is exceeded, a "help" button is generated and automatically display to user (i.e. the automated step of proactively offering the intervention to the user when the computed decision value represents a result indicative that the user is likely to need the intervention)(See Fig 8, step 262 and Detailed Description, Col. 16, lines 33-35).

Jahawar et al. discloses the system as claimed except for the limitation specifying, *"wherein the decision value is computed in accordance with a decision policy based on a combination of formal and heuristic reasoning"*.

While, not directly applied to his system, Jahawar et al. points out "...an algorithm or set of rules may be used to determine when to display a "Help" button. The algorithm or set of rules may consider the identity of the user, the history of the web pages viewed and the time spent viewing each web page, the content of each web page viewed..." (See Detailed Description, Col. 16, lines 39-43).

It would have been obvious to one of ordinary skill in the art at the time the invention was made, to modify Jahawar et al. by adding a algorithm or set of rules (or formal reasoning) to determine when to display the "Help" button and wherein the data use to consider such decision can be the identity of the user, the history of the web pages viewed and the time spent viewing each web page or the content of each web page viewed , as per Jahawar's own teachings; and thus in this manner provide a system that would make decisions based on personalized factors. The algorithm or set rules reads on the functions performed by formal reasoning, as it is well-known in the

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art in an algorithm actions are connected (or chained) and are a reaction to decisions made by a person or system.

Regarding the use of "heuristic reasoning", Ventura teaches a method of providing technical support by utilizing the Internet (See Abstract); further Ventura teaches, "...technical support for items such as computers is typically conducted over telephone connections. Regardless, a heuristic approach to problem solving is typically employed". (See Col. 1, lines 22-25).

As expressed by Ventura's teachings, heuristic reasoning is a common method employed in the area of technical support (or business-related processing system); thus it would have been obvious to one of ordinary skill in the art to further modify Jahawar's et al. system to include a method of reasoning that is commonly used in the field.

Regarding the limitations reciting presenting to the user data relevant to the one or more electronic commerce based-applications and wherein the computed decision-value is based on an attribute representative of a business value associated with the customer or the one or more applications, Horowitz et al. teaches "The customer 2 accesses the Web and requests a collaborative session with voice over Internet Protocol (VoIP). In this example, it is assumed that the customer 2 has established Internet access channel and personal equipment to support Internet access including appropriate Web browser, VoIP capabilities or a second phone line to support call backs. Referring to FIG. 26, at S61, the customer 2 is browsing the Web and decides to visit the member lounge and requests entry into member lounge, which triggers the

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Web site to prompt the customer 2 for his or her personal ID and password. At S62, the customer 2 enters and submits the customer's personal ID and password information to the Web site, which requests and receives customer authentication and allows the customer access into member lounge. At S63, the Web site retrieves relationship information based on customer specified preferences, Referring further to FIG. 26, at S64, using these preferences, the Web site generates a member lounge appearance according to the previously specified details, including but not limited to language and text, product and account

displays, and other informational displays including world and local news, weather, sports. At S65, the Web site uses this information to present the customer with focused prompting for appropriate marketing ticklers, product promotions and inducements. The customer relationship information is used by the Web site member lounge to permit or prohibit the use of advanced Internet collaborative features such as VoIP or Text Chat depending on customer value and/or appropriate advocate availability." (See *Detailed Description*, Col. 39, lines 33-65).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Jahawar et al. and Ventura system by adding the step using of using the customer preferences for the Web site generates a member lounge appearance according to the previously specified details, including but not limited to language and text, product and account displays, and other informational displays including world and local news, weather, sports (i.e. presenting to the user data relevant to the one or more electronic commerce based-applications) and to permit or

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prohibit the use of advanced Internet collaborative features such as VoIP or Text Chat depending on customer value (i.e. the computed decision-value is based on an attribute representative of a business value associated with the customer or the one or more applications), as per Horowitz teachings; and thus in this manner provide a system capable of using the information to present the customer with focused prompting for appropriate marketing ticklers, product promotions and inducements.

To support the rejection of the limitation reciting “an individual monitoring...individual adjusting the decision policy...”, the Examiner provides Servi et al. (US 6,115,462), specifically Col. 1, lines 28-41.

As for claim 9, it is inherent from Jahawar’s et al. system that the obtained data and the computed decision value can be stored on a memory coupled to the processor (as read on “the retrieved information in step 220 is logged (e.g. stored by the user’s computer system). The retrieved information may be stored on a permanent storage device such as a disk drive or stored in a volatile storage device”)(See, *for example*, *Detailed Description*, Col. 14, lines 21-25).

As for claim 16, it is inherent from Jahawar’s et al. system that at least one server is operative to execute one or more electronic commerce-based applications for use by at least one customer via a network (reads on “user has been viewing web pages related to a particular product or service”)(See, *for example*, *Detailed Description*, Col. 16, lines 2-3).

As for claim 20, Jahawar et al. discloses the use of a computer system 52 (i.e. client computing device) coupled through the Internet to a server 40, by a customer in order to interact with the system (i.e. one or more client computing devices coupled to the at least one server for use by the customer in interacting with at least one server)(See Fig. 2, elements 52, 44, 40).

Remaining limitations on claims 9, 16, and 23 are rejected for the same reasons as limitations rejected on claim 1.

As for claims 2-4, Jahawar et al. discloses the system as claimed, wherein after the user selects the "help" button, the system selects an agent to provide assistance to the user based on the information contained in the web pages viewed by the user and after establishing connection the agent is viewing the same web page as the user (i.e. the proactively offered intervention comprises assistance provided by an individual through a communication channel established between the user and the individual in accordance with the user-interactive processing system, and wherein the communication channel comprises a connection over a network with which the user interacts with one or more of the applications of the processing system)(See Fig. 9, steps 270-284 and Detailed Description, Col. 65-67 and Col. 17, lines 1-15); and after selection of the "help" the system connects an agent to a user using a conventional phone (i.e. the communication channel comprises a connection over a standard telephone line)(See Fig. 2, elements 56-48 and Detailed Description, Col. 14, lines 50-54).

As for claim 22, Jahawar et al. discloses the system as claimed, wherein the server is coupled to the Internet (i.e. the data network comprises the Internet)(See *Fig. 2, element 44*).

Claims 5-6 and 13 are rejected for the same reasons as claim 16.

Claim 12 and 21 are rejected for the same reasons as claim 1.

Claim 17 is rejected for the same reasons as claims 2-4.

6. Claims 7-8 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable Jahawar et al. (US 6256620), in view of Ventura et al. (US 6,604,141), in view of Horowitz et al. (US 6,349,290), in view of Servi et al. (US 6,115,462), as applied to claims 1-2, 4-6, 9, 12-13, 16-18, 20 and 22-23, and further in view of Newton (Newton's Telecom Dictionary, 16th Edition).

The combination of Jahawar et al. and Ventura teach the system as claimed, wherein a conventional telephone is connected to a transaction processing system 42, which is an automatic call distributor (In Jahawar, See *Detailed Description, Col. 5, lines 51-55*). It can be seen that Jahawar et al. and Ventura lack the interactive voice response system (IVR) and the IVR further comprising a workflow system.

Newton teaches "An ACD performs four functions... 3. Based on these instructions it will send a call to a recording... or to a voice response unit." (See *Automatic Call Distributor, page 82, P. 2*).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jahawar's et al. and Ventura's combination, by adding an IVR so that incoming calls can be forwarded from the ACD and the customer can access the system and verify information without having to wait for an attendant. IVRs use a workflow system in order to process incoming calls and forward these calls to the correct area of service requested by the customer.

Response to Arguments

7. Applicant's arguments filed April 4, 2005 have been fully considered but they are not persuasive.

In regards to Horowitz alone and/or combination not teaching "an attribute representative of a business value associated with the user or the one or more applications", the Examiner respectfully disagrees with Applicant's statement. The reasons for combination are stated in the body of the rejection above.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marie C. Ubiles whose telephone number is (571)272-7491. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marie C. Ubiles
May 26, 2005.


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